

REMARKS

Claims 1-14 are pending in this application. By this Amendment, claims 1 and 4-11 are amended to correct minor typographical errors. In addition, claim 4 is amended to explicitly incorporate the urethane prepolymer according to claim 1, which was incorporated by reference into claim 4 as originally filed. No new matter is added by these amendments.

In the August 27, 2003 Restriction Requirement, restriction was required between Group I (claims 1-3), Group II (claims 4-11 and 13) and Group III (claims 12 and 14). In response to the Restriction Requirement, Applicants provisionally elect Group II, claims 4-11 and 13, with traverse.

Applicants respectfully submit that the Restriction Requirement is improper, at least as between Groups I and II, and request that the Restriction Requirement be withdrawn.

According to MPEP §803, there are two requirements that must be met before a proper Restriction Requirement may be made. These two requirements are: "The inventions must be independent . . . or distinct as claimed; and there must be a serious burden on the Examiner if restriction is not required . . ." (emphasis added). Applicants respectfully submit that the Office Action has also failed to establish the second requirement set forth in MPEP §803, that a serious burden exists on the Examiner if restriction is not required between the Groups of claims.

In the present application, independent claim 4 of Group II recites all of the limitations of independent claim 1 of Group I. Thus, the search for the subject matter of the claims of provisionally elected Group II will necessarily include a search for the subject matter of the claims of Group I.

In view of this, it is respectfully asserted that the search and examination of at least Groups I and II could be made without serious burden. MPEP §803 states that "If the search and examination of an entire application can be made without serious burden, the Examiner

must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). Moreover, Applicants respectfully submit that upon allowance of the claims of Group II, the claims of Group I must be rejoined with the application and should be similarly allowed.

Thus, it is respectfully submitted that the subject matter of the claims of Group I and the subject matter of the claims of Group II are sufficiently related that a thorough search for the subject matter of Group II would encompass a search for the subject matter of Group I. Thus, it is respectfully submitted that the search and examination of at least Groups I and II could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Respectfully submitted,



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